

SERVED: February 9, 1994

NTSB Order No. EA-4067

UNITED STATES OF AMERICA  
**NATIONAL TRANSPORTATION SAFETY BOARD**  
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 25th day of January, 1994

DAVID R. HINSON,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-12333
v.	)	
	)	
AHMAD TEIMOORI,	)	
	)	
Respondent.	)	
	)	

**OPINION AND ORDER**

Respondent, appearing pro se, has appealed from the oral initial decision of Administrative Law Judge William R. Mullins, issued on June 2, 1992, following an evidentiary hearing.<sup>1</sup> The law judge affirmed an amended order of the Administrator finding respondent in violation of 14 C.F.R. 91.13(a),<sup>2</sup> and suspending

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<sup>1</sup>The initial decision, an excerpt from the hearing transcript, is attached.

<sup>2</sup>§ 91.13(a) provides:

respondent's airman certificate for 75 days.<sup>3</sup> We deny the appeal.

In his initial decision, the law judge found that respondent, while a student pilot on a solo cross-country flight, made an emergency landing in a field as a result of lack of fuel, a situation of his own making. Tr. at 149. On appeal, respondent argues, first, that the initial decision should be reversed because there was no damage to or "problems with" the airplane as a result of the emergency landing. Damage to an aircraft is not required to sustain a finding of careless operation. Proof of potential endangerment is sufficient to sustain this charge.<sup>4</sup> And, there can be no doubt that respondent's landing a rented aircraft in an unfamiliar and muddy field endangered the property of another.

Similarly unavailing is respondent's argument that, since the incident, his record has been violation-free. See Administrator v. Thompson, NTSB Order EA-3247 (1991) at n. 9 (neither violation-free record nor good attitude justifies reduction of sanction).

Contrary to respondent's view that he acted cautiously and  
(..continued)

No person may operate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

<sup>3</sup>At the hearing, the Administrator amended the order to reduce the suspension to 75 from 150 days.

<sup>4</sup>Roach v. National Transp. Safety Bd., 804 F.2d 1147, 1157 (10th Cir. 1986), cert. den'd, 486 U.S. 1006 (1988); Haines v. Department of Transportation, 449 F.2d 1073 (D.C. Cir. 1971).

safely, he was clearly at fault. Respondent offers no reason for us to reverse the law judge's conclusion, based on considerable testimony and on his credibility assessments, that respondent carelessly, and against the advice of his instructor to refuel enroute (Tr. at 90), allowed the aircraft to run out of useable fuel. That he was able to land the aircraft without serious incident is fortuitous, not a reason to excuse the violation.

**ACCORDINGLY, IT IS ORDERED THAT:**

1. Respondent's appeal is denied; and
2. The 75-day suspension of respondent's airman certificate shall begin 30 days from the date of service of this order.<sup>5</sup>

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HAMMERSCHMIDT, and HALL, Members of the Board, concurred in the above opinion and order.

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<sup>5</sup>For the purposes of this order, respondent must physically surrender his certificate to an appropriate representative of the FAA pursuant to FAR § 61.19(f).